

SCOPE OF WORK FOR REVIEW OF PUBLIC HEALTH DIVISION

July 9, 2007

The review of the Public Health Division will be conducted by individuals who possess full knowledge of the requirements of the Interstate Shellfish Sanitation Conference, the National Shellfish Sanitation Program Model Ordinance and the Northeast Region of the United States Food and Drug Administration.

The review of the program will focus on technical aspects of the water quality component of the Shellfish Growing Area Classification Program statewide but will also assess the overall work-load and staffing for the growing area program at both the Boothbay harbor and Lamoine facilities. The review should include the following:

- 1) Review DMR Public Health Division operations to determine if Maine exceeds the United States Food and Drug Administration Northeast Region minimum requirements for its Shellfish Sanitation Program. This is primarily in the context of how other state programs in the region are complying with the NSSP. If the review determines that the State does exceed these requirements then it should make specific recommendations for any areas where it feels the State is unnecessarily impacting the shellfish industry.
- 2) Review DMR Public Health Division Standard Operating Procedure (SOP) for Water Quality Sampling and specifically review all protocols related to following and make specific recommendations for any changes it feels are needed in either the SOP or to sampling site locations:
 - sampling stations locations as related to harvest/growing areas, fresh water inputs, access points and tide-related issues
 - appropriate depths for water sample collection
 - whether (and how) salinity should be a factor in determining the utility of a water sample for growing area classification
 - timing of sample in relationship to tidal stages
 - mode of sampling (land-based vs boat)
 - appropriate time frame for utilizing historical water sampling data and potential for expediting review and possibly the reclassification of existing areas.
 - the role of hydrographic studies in determination of sampling locations and in growing area classification.
- 3) Review of the DMR Public Health Division should consider standard operating procedures from other states in the region to determine if there are other approaches that nearby states are using that would be appropriate for use in Maine and whether Maine's industry has been placed at a competitive disadvantage by any of the current procedures.
- 4) Review DMR Public Health Division operations to determine whether the facilities and the program are both staffed and equipped adequately and appropriately to address

the current and future needs of the shellfish industry and the general public. The reviewers will evaluate laboratory and field personnel workloads, laboratory space and capacity, and the role of non-DMR personnel (volunteers) in the program. If the review determines that deficiencies exist then it should make specific recommendations for any changes it feels are needed.

5) Review of the DMR Public Health Division will likely involve at least 5 days in Maine with some time dedicated to visiting at least 3 shellfish growing areas. These areas will be selected by the DMR staff and industry to represent a variety of water bodies that will provide the reviewers the opportunity to see the situation from the field. The balance of time will be spent on file review in the two DMR laboratories in Boothbay Harbor and Lamoine, and also in interviews with Industry and DMR staff.

6) Review of the DMR Public Health Division will be conducted by a contractor (or small team) and will be supported by Maine Sea Grant, the shellfish industry, and the DMR staff. The structure will include:

- Maine Sea Grant will help to facilitate and coordinate the work of the review team, will review and edit drafts of the report, and will deliver the findings and recommendations to the Maine State Legislature.
- The selection committee, named by the legislation that charged this review will include Valy Steverlynck (industry representative), David Etnier (or designee: DMR representative), and Paul Anderson (Maine Sea Grant representative). This group will select the contractor and will be present, as needed, during the review team's site visit.
- An Industry Advisory Panel will be named with representation from the wild harvest and culture sectors, from the shellfish dealer sector, and with geographic representation along Maine's coast. This group will be approximately 10 individuals who will participate by reviewing the Scope of work for the review, will help to determine appropriate growing areas for site visits, be available for a meeting with the review team during the site visit, and will review the draft report.

7) Preparatory documentation will be provided to the review team prior to the site visit. Documentation may include:

- Standard Operating Procedures for the Growing Area Classification Program
- Summary of the shellfish growing areas in the state of Maine and typical sample schedules.
- Five Sanitary Survey reports from areas that represent varying geographies and types of coastal water bodies.
- Summary of Laboratory operations and throughput data.
- Summary of staffing for the program including full-time staff, seasonal staff, and volunteers.
- Recent reports from the FDA review of the Maine program